

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARLOS R. LOTT,

Petitioner,

v.

KENNETH T. McKEE,

Respondent.

Case Number: 03-74234

JUDGE PAUL D. BORMAN
MAG. JUDGE PAUL J. KOMIVES
UNITED STATES DISTRICT COURT

ORDER:

**1) ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
DENYING PETITIONER'S APPLICATION FOR A WRIT OF HABEAS CORPUS; AND
2) DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY**

Now before the Court is the Magistrate Judge's Report and Recommendation, filed on June 30, 2005, in favor of denying Petitioner's application for a writ of habeas corpus under 28 U.S.C. § 2254.

Having reviewed that Report and Recommendation and Petitioner's objections thereto, the Court enters as its findings and conclusions the Report and Recommendation in favor of denying Petitioner habeas relief.

A petitioner may appeal a district court's denial of his petition for a writ of habeas corpus only upon the issuance of a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). However, the Court concludes that reasonable jurists could not find debatable or wrong the Court's assessment of any of Petitioner's claims. *See Slack v. McDaniel*, 529 U.S. 473, 484

(2000). The Court, therefore, DECLINES to issue a certificate of appealability on Petitioner's claims.

SO ORDERED

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 15, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 15, 2005.

s/Jonie Parker
Case Manager